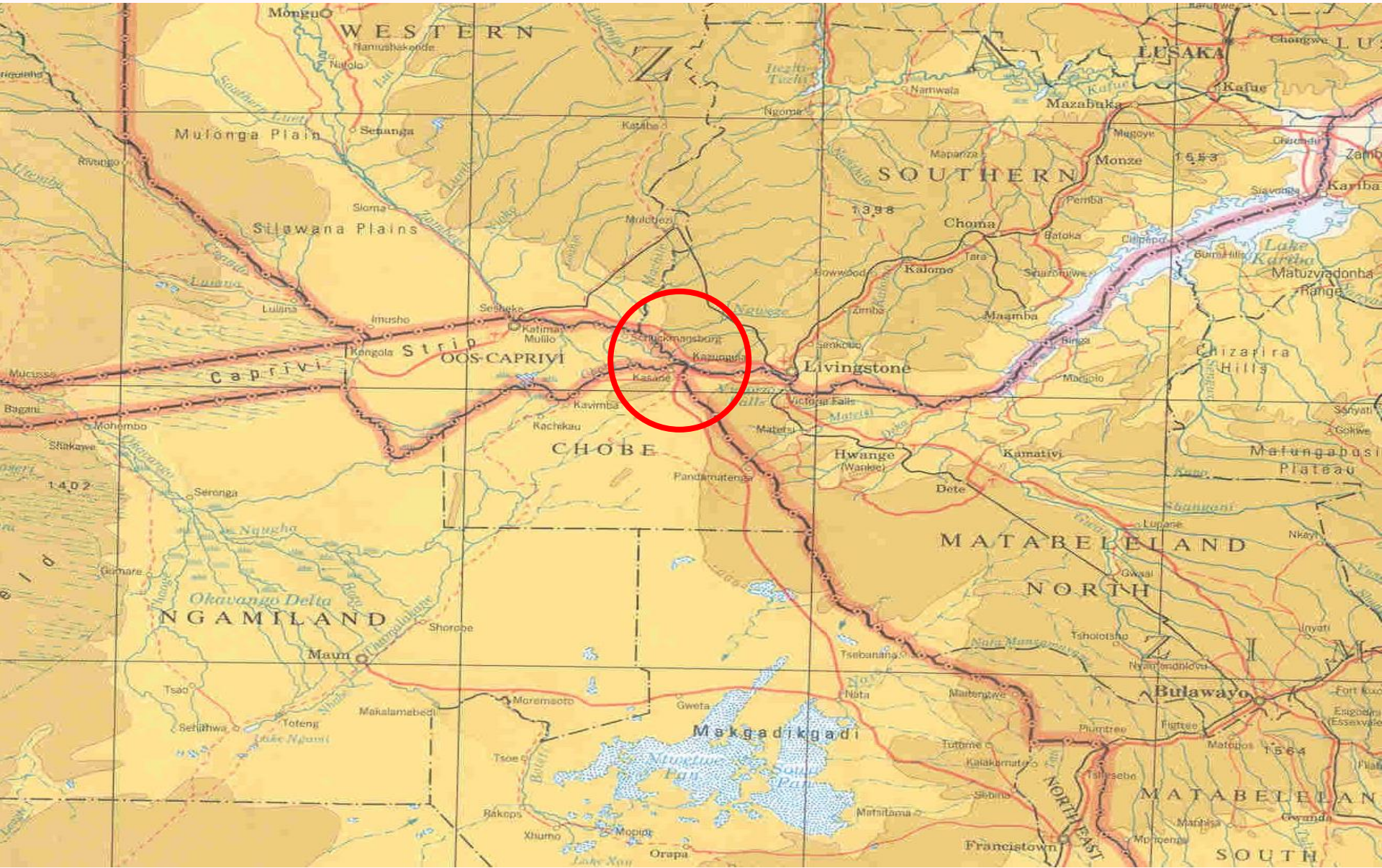
BOTSWANA-ZAMBIA-ZIMBABWE INTERNATIONAL BOUNDARY

January 2018 Conference Presentation by Dr. Jeff Ramsay at Kasane



INTRODUCTION

- The Botswana-Zimbabwe and Zambia-Zimbabwe boundary is defined by the following instruments;
  - **Southern Rhodesia Order in Council of 1898**;
    - *"..hunters road to the Zambezi River".*
  - **Southern Rhodesia (Annexation) Order in Council of 1923**
    - ".. *the hunters road to the river Zambezi and by that river to the Portuguese boundary".*
  - **Northern and Southern Rhodesia Order in Council of 1963;**
    - **"…***along the middle of the Zambezi river until it touches the Bechuanaland Protectorate boundary***".**

BACKGROUND

- The African Union Border Programme (AUBP) calls for member states to undertake and pursue bilateral agreements on all issues relating to the delimitation, demarcation and management of their common borders.
- Member States have engaged in a proactive process with their neighbours to reaffirm their international boundaries.
- However, the Botswana- Zambia- Zimbabwe boundary along the Zambezi in the area adjacent to the Kazungula ferry crossing remains unresolved;
  - The issue has been the subject to international debate since the 1960s during the time when the ferry crossing served as a “Freedom Corridor” connecting Botswana via the Republic of Zambia with the other emancipated nations of Africa.

BACKGROUND Cont.

- From 1965 to 1980 our country was encircled by the racist rebel regime in Southern Rhodesia (now Zimbabwe), as well as Apartheid regime forces in South Africa and then occupied Namibia.
- Difficulties in determining the location of the Botswana-Zambia-Zimbabwe border tri-point on the Zambezi have largely arisen from two critical questions:
  - What is the true alignment of the Botswana-Zimbabwe border from Lesoma [Leshoma] to the Zambezi in the context of the Southern Rhodesia Order in Council of 20 October 1898 which affirms that the boundary follows "...the watershed of the Rivers Shashi and Ramaquaban until such watershed strikes the Hunter's Road (called Pandamtenka road), thence by that road to the River Zambezi..."; and
  - What should be the basis of the alignment of the tri-point river boundary among the three countries?

BACKGROUND Cont.

- There has been no agreement among the concerned parties on either of the above questions.
  - the current alignment of the boundary beacons from Lesoma to the Zambezi veers significantly west of the location of the historic Hunter's Road boundary, as it was demarcated in 1907 when the terminal beacon No. 226 was placed approximately a quarter of mile east of the confluence of the Chobe-Zambezi Rivers.
  - The current boundary alignment further veers west of beacon BB842 as it was marked as late as 1972.

- In seeking to address the issues raised above we have examined the various periods through which the Botswana-Zambia-Zimbabwe boundaries have evolved.

PRE-COLONIAL ACTIVITIES IN THE MIDDLE OF THE ZAMBEZI TO 1888

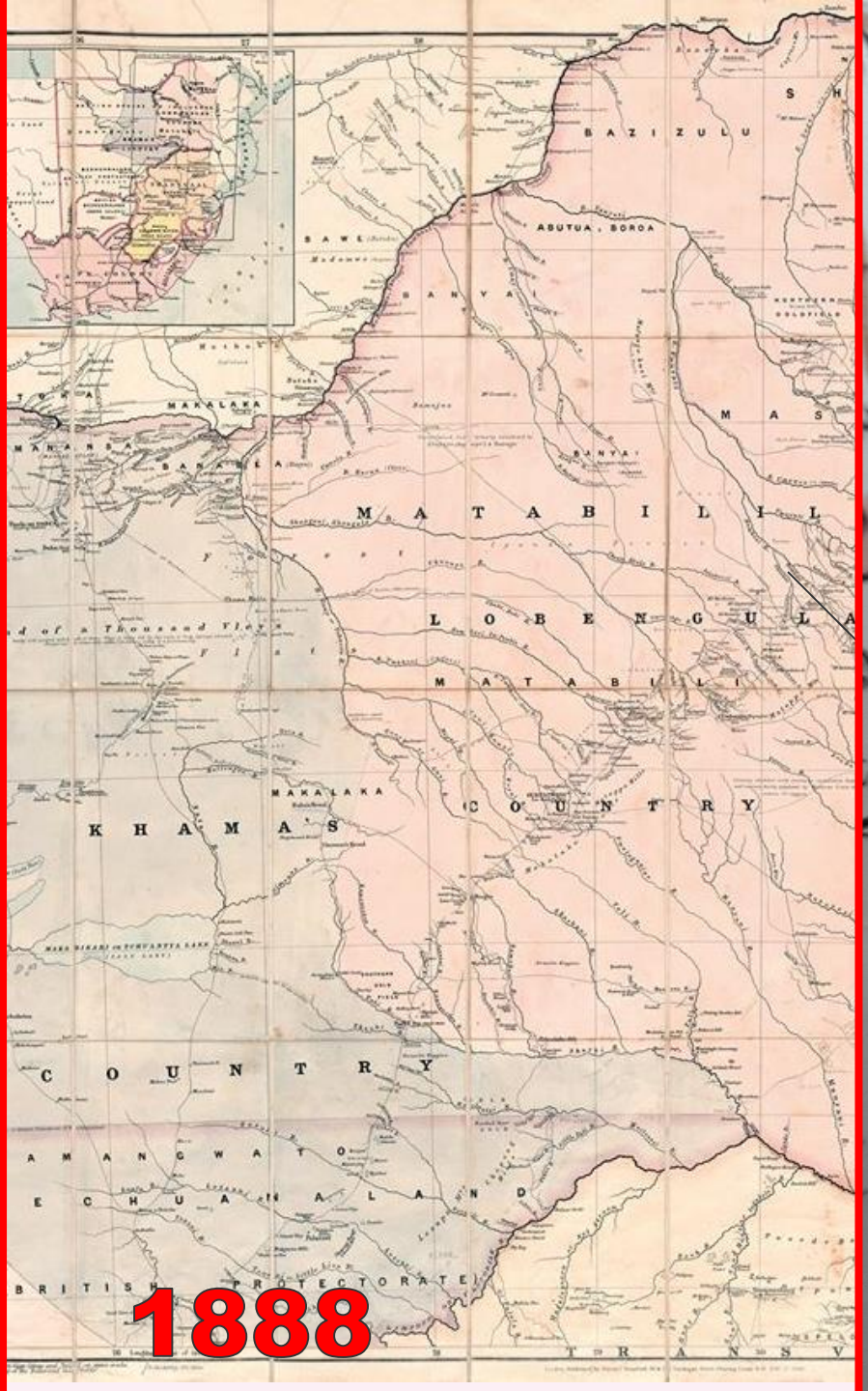
- Background information on the establishment, alignment and significance of the Hunters' Road from Tati to the Zambezi, which remains the ultimate basis of the Botswana -Zimbabwe boundary in the area.
- 1851 – "Oswell Livingstone expedition" begins era of extensive European contact, trading and mapping in the central Zambezi region with Makololo and its Balozi (Barotse) successor state.
- Chronology of the roads development and alignment, largely through the efforts of the trader George Cobb Westbeech, between 1871 and 1888.
- 1880-84 British and German maps show Bangwato control of south bank of Zambezi to Mosi-wa-Thunya and beyond.

1888-1907-ESTABLISHMENT OF COLONIAL RULE, MAPPING AND DEFINITION OF THE BOUNDARY

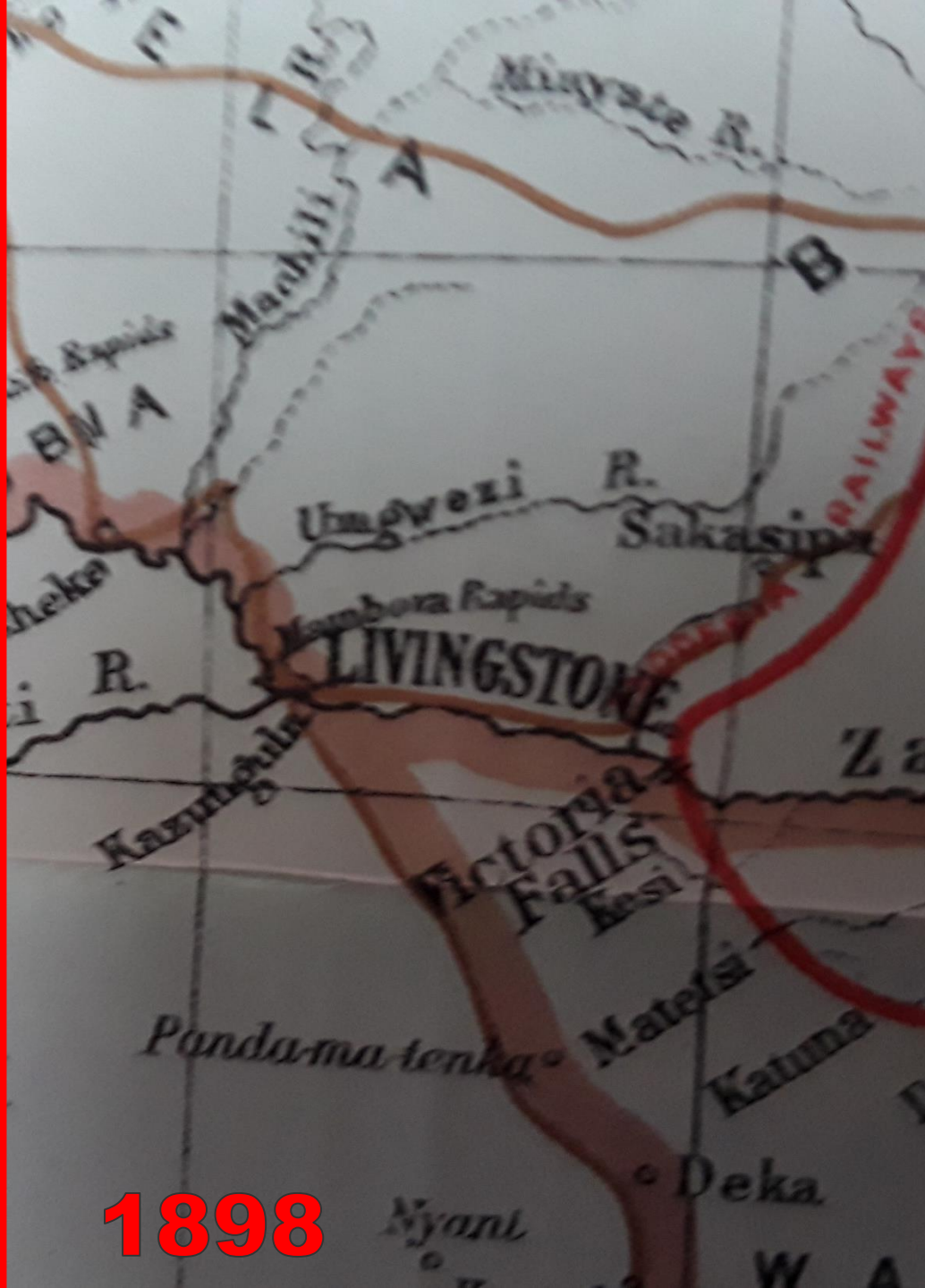
- Background on the Southern Rhodesia Order in Council (SROC) of 20 October 1898 and other relevant proclamations establishing the boundary; e.g.
  - Proclamation of Bechuanaland Protectorate in Southern Botswana 1885, with British claimed sphere of influence to Zambezi.
  - 1888-89 Papers on Granting of Royal Charter to British South Africa Company.
  - 1890 Anglo-German Treaty, etc.
- Report of the 1907 Boundary Commission which demarcated the boundary between Bechuanaland and Southern Rhodesia along the Hunters' Road noted that;

1888-1907-ESTABLISHMENT OF COLONIAL RULE, MAPPING AND DEFINITION OF THE BOUNDARY Cont.

- The road met the Zambezi opposite the village of Kazungula in the then Northern Rhodesia; **"…The first and only wagon road from Lushuma [Lesoma] to the North is the present one said to have been cut by Westbeech, which follows down the valley to a spot on the right bank of the Zambezi opposite the village of Kazungula. This is about a quarter mile below what appears to be the true junction of the Linyati and Zambezi Rivers and is where the Kazungula Ferry has always been, and is about 27 yds. East of a large "Mzungula" tree standing on the right bank of the Zambezi at which place we erected the last beacon No. 226".**


BAZIZULU
ABUTUA, BOROA
MAKALAKA
MATABILILI
LOBENGULA
MATABILI
MAKALAKA COUNTRY
KHAMAS
COUNTRY
AMANGWATO
ECHUANALAND
BRITISH PROTECTORATE
TRANSV

1888


Mapale R.
Machili
Umgwezi R.
Sakasipa
Mambova Rapids
LIVINGSTONE
Victoria Falls
Kazungula
Pandamatenka
Mateisi
Kauma
Deka
Nyani

1898

1888-1907-ESTABLISHMENT OF COLONIAL RULE, MAPPING AND DEFINITION OF THE BOUNDARY Cont.

- The same Mzungula or Sausage Tree was by 1907 already a local landmark, being associated with both the naming of the original town of Kazungula in what is now Zambia.
- It is further associated with David Livingstone's 1855 expedition to Mosi-wa-Thunya and additional references in other early travelogues. A c. 1962 British Information Office photo of the ferry crossing suggests that the same tree then still marked the boundary point as well as subsequent photos taken in the 70's.
- In summary, the 1907 Commission indicated that beacon No. 226 was placed a quarter of a mile plus 27 yards (about 426 m) from the Chobe-Zambezi confluence. However the current position of beacon BB842 is not placed as such.

PHOTOS OF MZUGULA TREE AND OLD FERRY POINT FROM 1962-72

Ferry across Zambesi at Kazungula. The Muzungula tree marks the spot where Livingstone first sighted the Zambezi.

Photo: Fred Duckworth

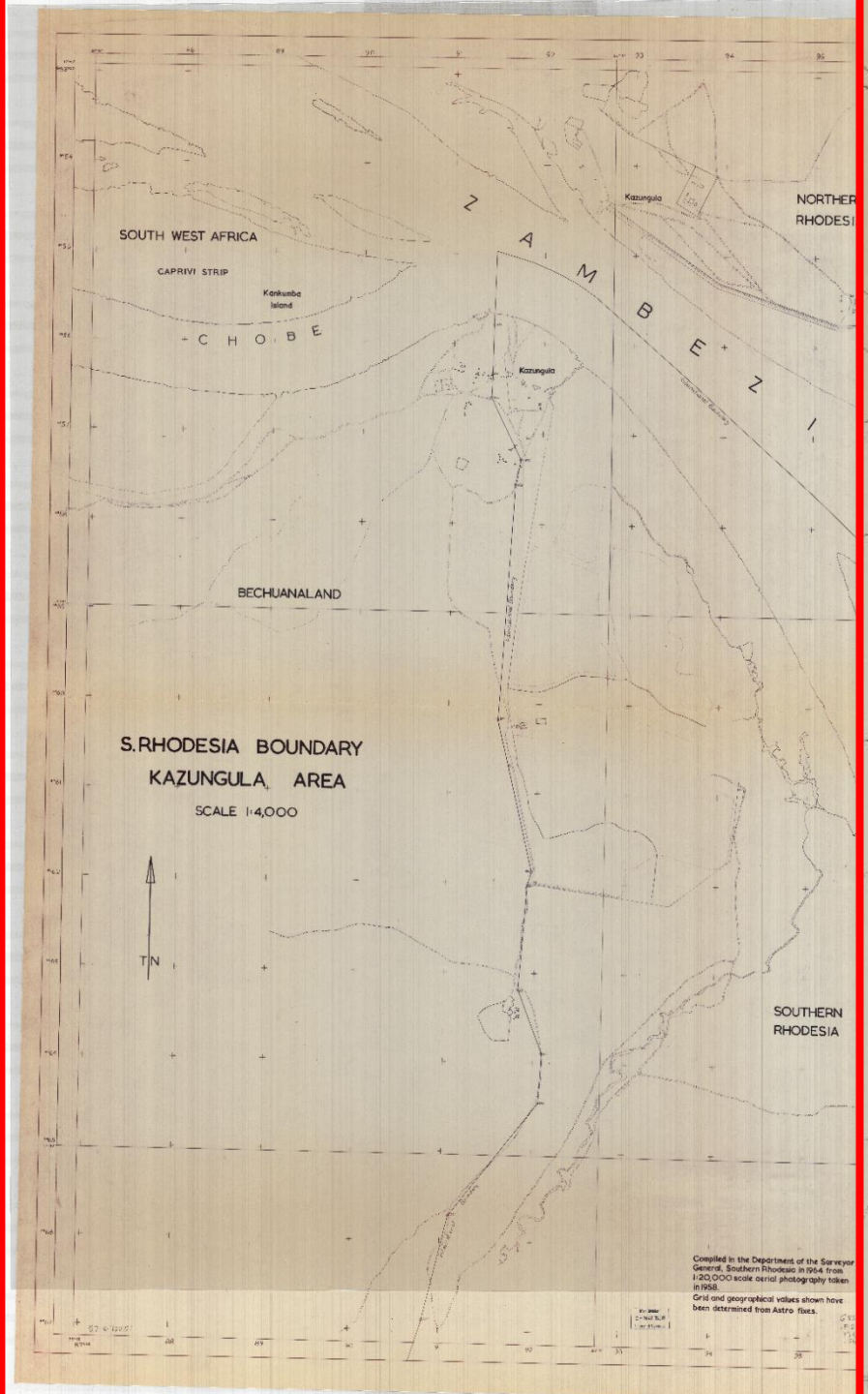
TN Video entitled “Bechuanaland Frontiers” featuring the Kasangula crossing available @
k/detail/video/bechuanaland-khama-as-premier-bechuanaland-car-along-news-
=true
ttps://www.youtube.com/watch?v=1Pvk-8Nc7Vc

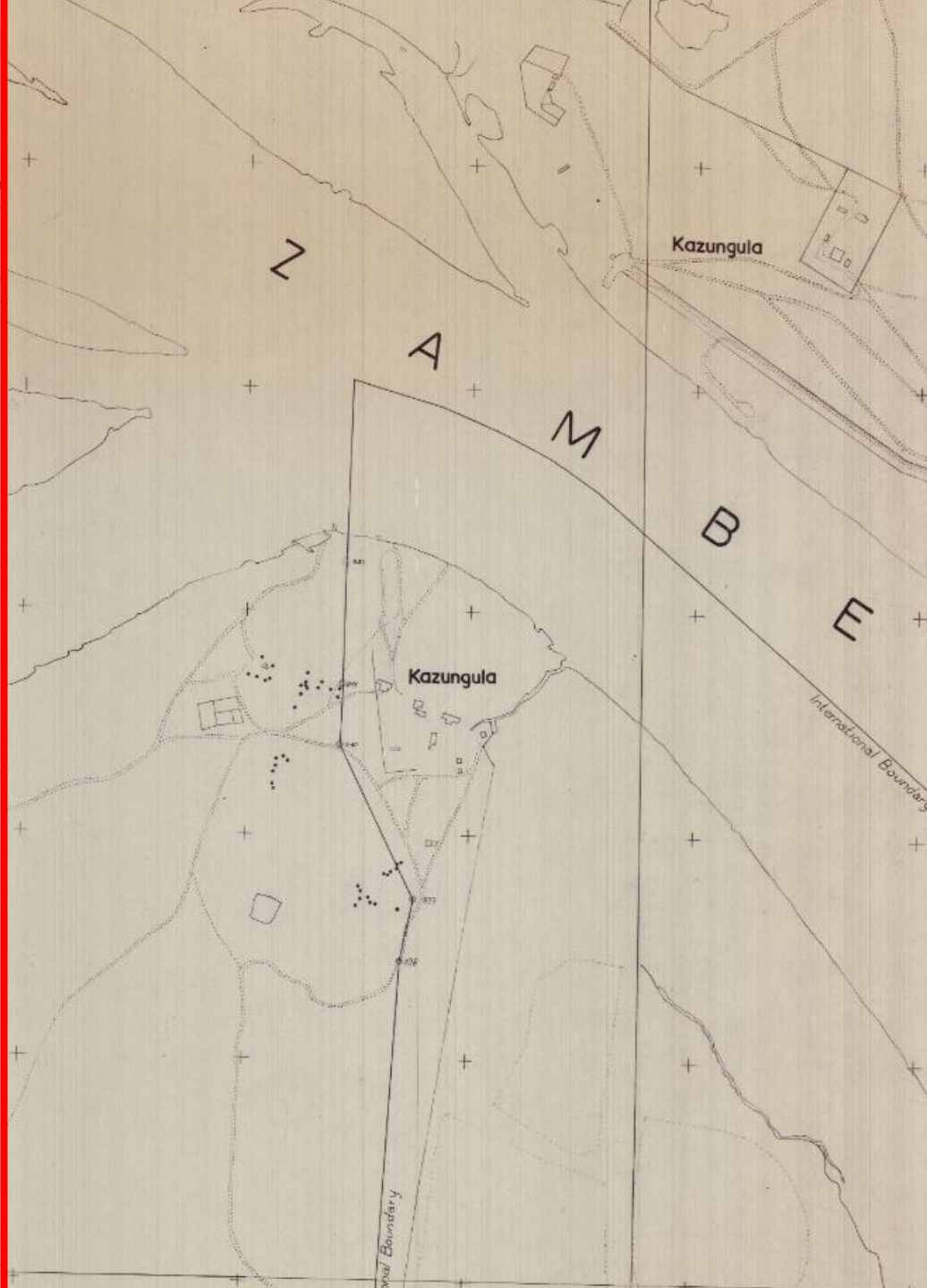
1959 BOUNDARY (RE)DERMACATION EXERCISE

- The 1959 Commissioners' Report on the Boundary Demarcation between S. Rhodesia and Bechuanaland Protectorate noted the following from beacons 793 to 842;
  - "793 to 805: following the Victoria Falls/Kazungula Road".
  - "805 to 830: swings north into Leshuma Vlei, which it follows until it joins a farm road at a point between 830 and 831…"
  - "831 to 840: Coincides with the farm road which skirts the western edge of irrigated rice lands"
  - "840 to 842: the line runs for approximately 300 yards straight to old beacon 226 on the south bank of the Zambezi".

1959 BOUNDARY (RE)DERMACATION EXERCISE Cont.

- The report also noted the following
  - that only the pipe of the original beacon No. 226 (then renamed BB 842) was replaced. Therefore, beacon BB 842 which replaced beacon No.226 should be where it was, which is a quarter of a mile plus 27yards from what appears as the confluence of the Chobe-Zambezi Rivers.
  - Some beacons were tampered with and deliberately destroyed.
  - Misalignment of the beacons with the Hunters' Road.
- The misalignment of beacons between 1907 and the 1950's is further suggested by an Intelligence Report which found that the old Hunter's Road exiting inside the boundaries of the Southern Rhodesia registered Kazungula Farm and additional evidence


SOUTH WEST AFRICA
CAPRIVI STRIP
Kankumba Island
CHOBE
Kazungula
ZAMBEZI
NORTHER
RHODESI
BECHUANALAND
S. RHODESIA BOUNDARY
KAZUNGULA AREA
SCALE 1:4,000
TN
SOUTHERN
RHODESIA
Compiled in the Department of the Surveyor General, Southern Rhodesia in 1964 from 1:20,000 scale aerial photography taken in 1958.
Grid and geographical values shown have been determined from Astro fixes.


Kazungula
ZAMBEZI
Kazungula
International Boundary
International Boundary

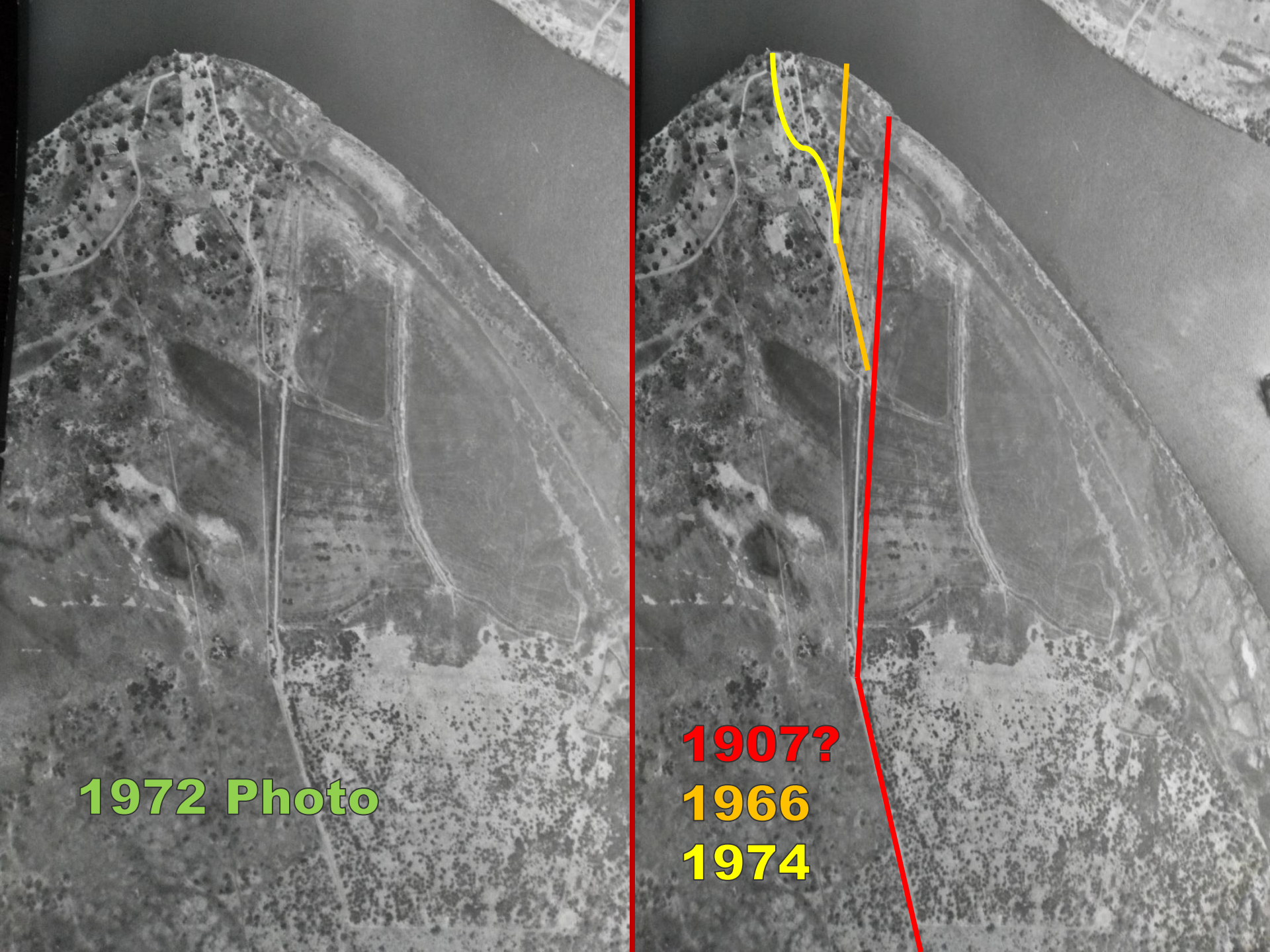
Kazungula
Z A M B E Z I
ankumba
Island
B E
Kazungula
International Boundary

Middle of River Zambezi
NAMIBIA
of Chobe River
59m
BB842
426m
BB841
ZIMBAB
BOTSWANA
BB840

1:4,000

Middle of River Zambezi
NAMIBIA
BB842
426m
BB841
BB840
BOTSWANA
ZIMBAB

1:4,000


1972 Photo
1907?
1966
1974

1960-1990 –EMERGENCE OF BOUNDARY DEBATE IN THE CONTEXT OF REGIONAL LIBERATION STRUGGLE

- The question of whether or not Botswana and Zambia have a common boundary around Kazungula surfaced in the early 1960s, and can be traced through three distinct periods;

1960-1964- COLONIAL PERIOD

- This period is characterized by the;
  - escalation of nationalist politics and the beginning of liberation movements in Apartheid South Africa
  - the coming to power of the white supremacist Rhodesia Front regime in late 1962, coinciding with police crackdown on movement of refugees via Southern Rhodesia,
  - the coming to an end of the Federal Government of Rhodesias and Nyasaland (Central African Federation) in December 1963 and the subsequent independence of Zambia in 1964.

1960-1990 –EMERGENCE OF BOUNDARY DEBATE IN THE CONTEXT OF REGIONAL LIBERATION STRUGGLE Cont.

- At the time, concerns were raised from various quarters (e.g. documents from UK, Zambia, Zimbabwe, US and Botswana) about the movement of political refugees and freedom fighters from Southern Africa to the north via the Kazungula ferry crossing. It was noted that;
  - if Bechuanaland and Northern Rhodesia have a common boundary then an independent Zambia, with sentiments towards the struggle against apartheid in South Africa and the colonial regimes in Southern Rhodesia and the then Portuguese territories, would allow the free north-south movement of refugees and freedom fighters via the Kazungula ferry.

1960-1990 –EMERGENCE OF BOUNDARY DEBATE IN THE CONTEXT OF REGIONAL LIBERATION STRUGGLE Cont.

- If conversely Bechuanaland and Northern Rhodesia did not have a common boundary then, such movement of refugees and freedom fighters would have been effectively stopped since they would have then been transiting through South African (i.e. occupied South West Africa/Namibia) and Southern Rhodesian territories.

- These debates were reflected in a letter referenced H.146 MJH dated 20th April 1964 from Acting Secretary of Bechuanaland Protectorate to the Chief Secretary of Northern Rhodesia and copied to the Secretary to the Prime Minister of Southern Rhodesia, which asserted that;

1960-1990 –EMERGENCE OF BOUNDARY DEBATE IN THE CONTEXT OF REGIONAL LIBERATION STRUGGLE Cont.

-"it is normal practice in river boundaries, where the thalweg and medium fillum forms a boundary the theoretical beacon in the middle of the river is found by projecting the straight line boundary running up to the bank until it meets the thalweg or medium fillum".

- By defining the boundary as stated above, the letter concluded that there is no Boundary between Bechuanaland and Northern Rhodesia.
- However it stated that '… a lengthy survey including the taking of soundings..' was essential to defining the boundary.
- The letter has since been used as the basis of all the arguments advanced by the proponents of the view that there is no boundary between Botswana and Zambia and continues to date.

1960-1990 –EMERGENCE OF BOUNDARY DEBATE IN THE CONTEXT OF THE REGIONAL LIBERATION STRUGGLE Cont.

1965-1970-POST-INDEPENDENCE PERIOD

•This period is characterized by diplomatic and trade relations between independent Botswana and Zambia;

- In the second half on 1962 South African and Southern Rhodesian security forces detained large number o refugees attempting to pass through Southern Rhodesia to Northern Rhodesia. Thereafter, the overland movement of refugees from Francistown to Livingstone was through Kazungula.
- In 11 November, 1965 Rhodesian UDI.
- In September 1966 the Rhodesian regime unilaterally moved the boundary fence westward in the process extending it to the river for the first time.
- 1968 Botswana and Zambia discuss idea of constructing of a road from Nata to Kazungula and a bridge across the Zambezi River in order to improve trade between two countries.
- Approached US government for financial assistance.

1960-1990 –EMERGENCE OF BOUNDARY DEBATE IN THE CONTEXT OF REGIONAL LIBERATION STRUGGLE Cont.

1965-1970-POST-INDEPENDENCE PERIOD

- South African Government asserted their objections to the construction of the proposed bridge on the basis that it would be crossing over their territories because Botswana and Zambia did not have a common boundary at Kazungula.
  - Uses 1964 letter as a basis for her position.
  - Colludes with Rhodesia to prevent the movement of refugees and freedom fighters in the context of by then escalating Black Nationalist insurgency in the Caprivi as well as Rhodesia.

1960-1994 –EMERGENCE OF BOUNDARY DEBATE IN THE CONTEXT OF REGIONAL LIBERATION STRUGGLE Cont.

1965-1970-POST-INDEPENDENCE PERIOD

- In 1972, a letter to the FCO from the High Commissioner of the United Kingdom to Botswana referenced eSB 4/1 suggests that the Rhodesians moved the border fence westward in the area of beacons BB 841-842**.** This letter stated that;
  - "Three months or so ago Anderson was told by the Head of the Rhodesia Special Branch in Matabeleland Mckie (?) that the border fence at Kazungula would shortly be moved a few yards from its present position to a point upstream nearer Dr Livingstone's baobab tree which is about 25 yards upstream of the present fence….when Anderson returned to duty some weeks ago he found that in his absence the moving of the border wire had been effected".

1960-1990 –EMERGENCE OF BOUNDARY DEBATE IN THE CONTEXT OF REGIONAL LIBERATION STRUGGLE Cont.

- However, a letter written before the 1964 letter, from the Secretary of State for the Colonies to the High Commissioner of Basutoland, Bechuanaland and Swaziland and repeated to the High Commissioner of Bechuanaland, referenced BBS.119/3/04 dated 26 February 1964 states, with reference to the NRSROC 1963, that Bechuanaland and Northern Rhodesia have a common boundary.
- In this regard, the motive of the 1964 letter from the Acting Secretary is questionable as it contradicted the position of the Colonial Office who had authority on the matter.

1960-1990 –EMERGENCE OF BOUNDARY DEBATE IN THE CONTEXT OF REGIONAL LIBERATION STRUGGLE Cont.

- Various views/positions on the 1964 letter are well documented as follows;
  - A letter, retracting the 1964 letter, from the Administrator of Bechuanaland to the Colonial Office referenced c.10/15/3/HSE dated 8 February 1966.
  - A letter from the Department of Central and Southern Africa in the Foreign and Common Office recognising that the Acting Secretary “was not speaking authoritatively on behalf of his government” and that this letter had been officially retracted through letter referenced c.10/15/3/HSE.

1960-1990 –EMERGENCE OF BOUNDARY DEBATE IN THE CONTEXT OF REGIONAL LIBERATION STRUGGLE Cont.

- In April 1970, a Memorandum For the United Kingdom Setting Out the Preliminary Views of the Government of Botswana on the Botswana-Zambia the Government of Botswana in April 1970 reiterates TECHNICAL CONSIDERATIONS that the two countries have a common boundary.
- In view of the above, we reiterate that the 1964 letter does not express the official position of the Government of Botswana and we are therefore not bound by it.
- The letter refers to the concept of projecting from BB 841 through BB 842 to the thalweg or medium fillum of the Zambezi as "normal practice" in the demarcation of river boundaries. However, this concept is not documented anywhere and has never been accepted.

POST 1990

- In modern times there has been continued confusion about the positions of the beacons in the region between Lesoma and the Zambezi.
- A "**Report on Botswana-Zimbabwe Boundary Inspection from Leshoma to Kazungula**" was carried out by Regional Surveyor North from 10-13 Sep 2002. The survey team attempted to identify the 37 beacons in the region. In this respect, they reported that:
  - Only five beacons were found in good condition.
  - The rest of the beacons were either disturbed, destroyed or not found at all.
- Critically, of the beacons leading to the river, only BB 841 was in good condition, BB 839 and BB 840 were not found and the terminal beacon BB 842 was disturbed.

POST 1990 Cont.

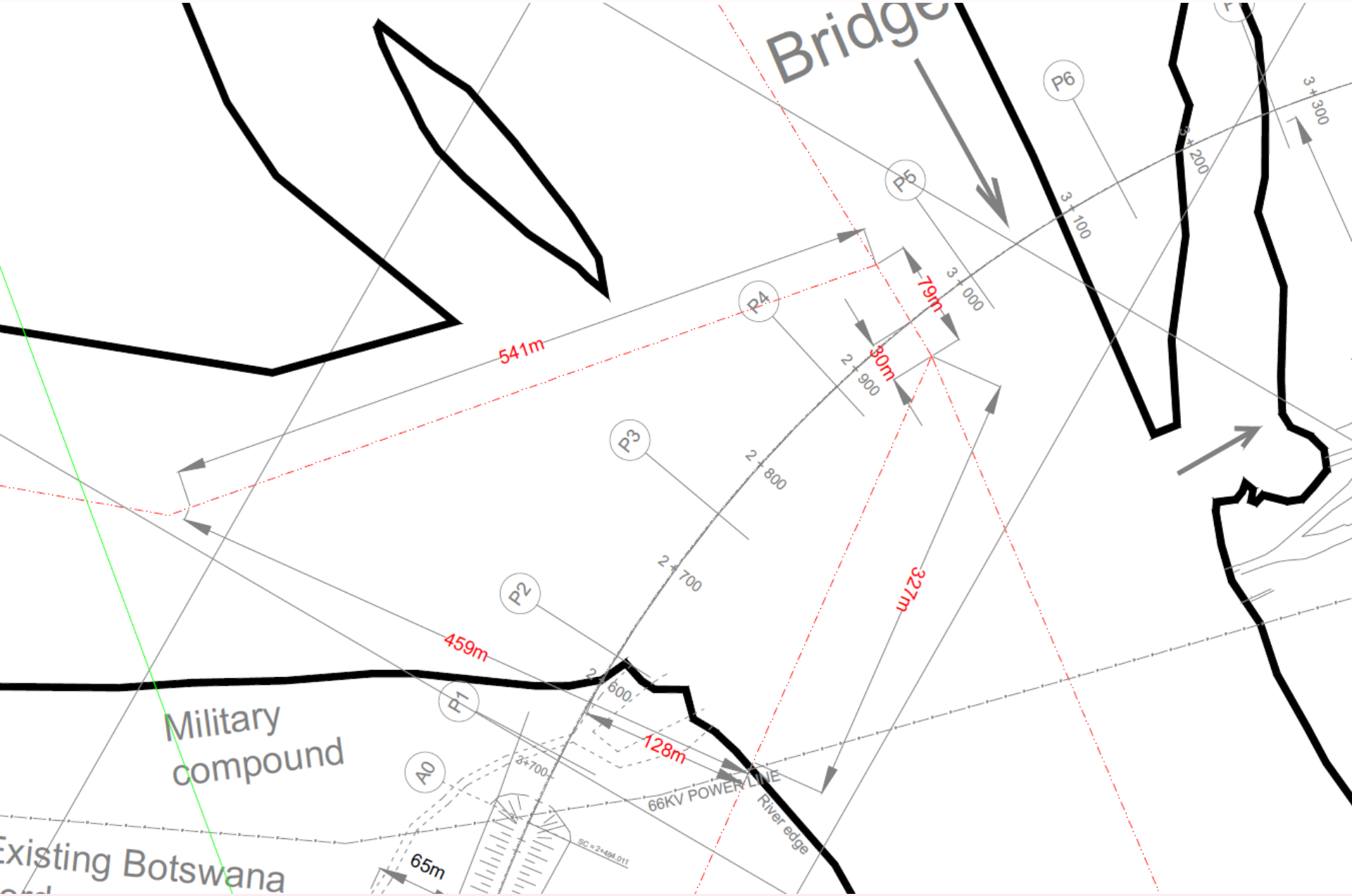
- The 25th April, 2002 Meeting of Surveyors General of Botswana, Namibia, Zambia and Zimbabwe at Katima Mulilo, had recommended the formation of a commission between Botswana and Zimbabwe that will look into the boundary issue. "**Further that the boundary beacons be fixed only after the boundary issue at Kazungula has been resolved**."
- The Commission was however never formed.

2002- TO DATE [2018] - CURRENT SITUATION

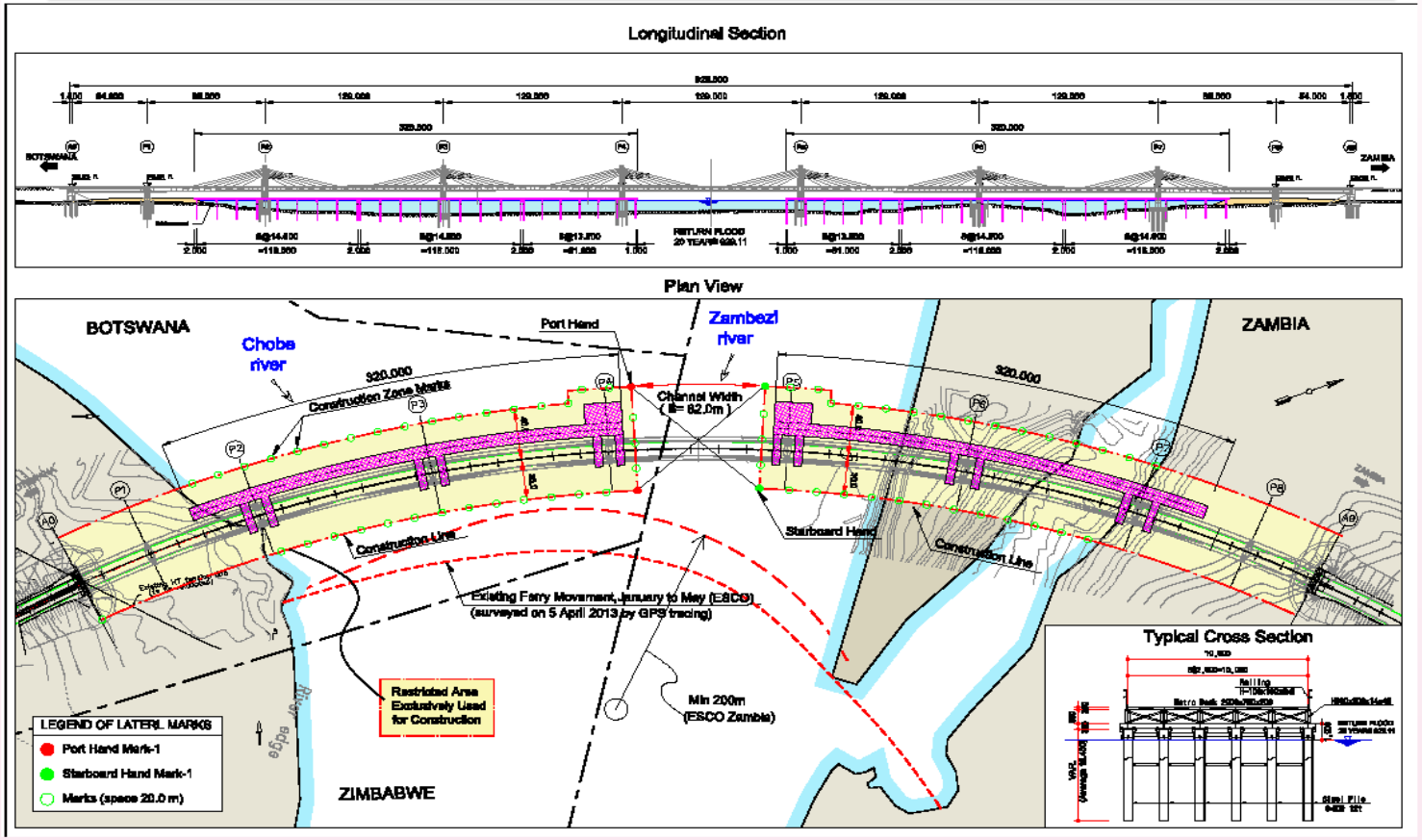
- The Botswana – Zambia boundary issue resurfaced in 2002 in the advent of the construction of the **Kazungula Bridge**.
- Botswana and Zimbabwe continue to hold divergent views on how the boundary should be defined from beacon BB 842 into the Zambezi River;
  - Zimbabwe's position is that, "the theoretical beacon in the river Zambezi is found by projecting the straight line boundary running through BB841 and BB842N to the *medium filum* of the Zambezi river".
- Zimbabwe's position was based on the 1964 letter from the Acting Secretary of Bechuanaland.
- Therefore, it should be put on record that this letter was rebutted and is not binding to the government of Botswana.

TECHNICAL CONSIDERATIONS

- The Botswana-Zimbabwe boundary description should be along the shortest distance from the actual position of BB842 to the medium filum of the Zambezi River in line with the SROC of 1898 and the Boundary Commission Reports of 1907 and 1959 respectively.
- A useful additional reference: Ian Brownlie ***African Boundaries: A Legal and Diplomatic Encyclopaedia,*** C. Hurst & Co. Publishers, 1979.


Bridge
P6
P5
P4
P3
P2
P1
A0
3+300
3+200
3+100
3+000
2+900
2+800
2+700
2+600
3+700
541m
79m
30m
327m
459m
128m
65m
Military
compound
66KV POWERLINE
River edge
Existing Botswana

5.0 KAZUNGULA BRIDGE Cont....



A4
B3
C3
B4
C4
B5
C5
KAZUNGULA BRIDGE
B4
C4
B3
C3
B2
C2
B1
A2
ZAMBIA
ZAMBEZI RIVER
ZIMBABWE
?

CONCLUSION

The authoritative documents define the boundary between Botswana and Zimbabwe along the Hunters Road to Zambezi River. The 1959 Boundary Commission show that they had difficulties with aligning the boundary beacons from beacon BB793 to BB842 with the Hunter's Road. This suggests that, there may have been a misalignment of this boundary from the Hunter's Road. Therefore the re-affirmation of this boundary from beacon BB842 into the middle of the Zambezi River should be preceded by the alignment of the beacons BB793 to BB842 with Hunters' Road. NSROC of 1963 creates a tri-point among Botswana, Zambia and Zimbabwe along medium filum of Zambezi River.

It is therefore advisable that Botswana, Zambia and Zimbabwe carry out an investigation to confirm the original alignment of boundary beacons from BB793 to BB842 (No.226) as per the 1907 Boundary Commission Report.

This should be followed by definition of Botswana–Zimbabwe boundary from beacon BB842 to the middle of the Zambezi River in conformity with the definition of the medium filum aqua. In this context the principle of border re-reaffirmation as agreed by African Union should be upheld.

THANK YOU!